

Notice of Allowability

Application No.

10/065,951

Examiner

Duyen M. Doan

Applicant(s)

SMITH, SHAWN W.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/29/05.
2. ☒ The allowed claim(s) is/are 1-3, 5-12, 17, 18, 20
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

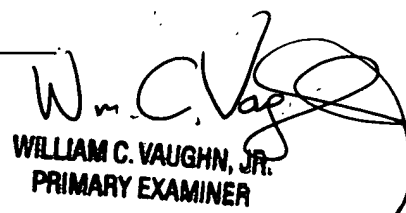
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 10/25/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's Agent, Mr. Mark Rodgers, registration number 55,579 on October 25, 2005.

The application has been amended as follows:

Please amend claim 1 as follows:

(Amended) A voice-over-Internet-Protocol (VOIP) application comprising: a jitter buffer for receiving incoming VOID packets from an Internet, the incoming VOID packets containing compressed audio data from a remote VOIP application; an audio application, receiving the compressed audio data from the incoming VOID packets, for de-compressing the compressed audio data for playback to a user, and for capturing local audio data from the user; a packetizer, receiving the local audio data from the audio application, for compressing the local audio data and encapsulating the local audio data as well as data used to provide or derive [the] an audio duration of the encapsulated data, into outgoing VOIP packets for transmission over the Internet to the remote VOID application; an estimator, receiving a reception time for a current VOID packet that indicates when the current VOID packet was received by the jitter buffer and receiving a prior reception time that indicates when a prior VOIP packet was received by

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the jitter buffer, for generating a bandwidth estimate for an incoming path through the Internet taken by the incoming VOIP packets; and a comparator, in the estimator, for comparing an arrival difference of the reception time and the prior reception time to the audio duration that indicates a duration of playback to the user of the compressed audio data encapsulated by the current VOIP packet; wherein the estimator decreases the bandwidth estimate when the comparator determines that the arrival difference exceeds the audio duration but increases the bandwidth estimate when the comparator determines that the arrival difference is below the audio duration; wherein the packetizer receives the bandwidth estimate from the estimator, the packetizer sending the bandwidth estimate to the remote VOIP application, whereby incoming bandwidth is estimated by comparison of the arrival difference to the audio duration.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The prior art of record single or in combination failed to teach the combination of the invention as claimed in independent claims 1, 5, 12.

For example it failed to teach a jitter buffer to received the compressed VOIP packet, an audio application to receive the compressed and decompress the packet, a packetizer to encapsulate the audio data and data for audio duration, an estimator to generate the bandwidth estimate for an incoming path base on the reception time of

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packets, a comparator to compare the arrival difference of the reception time of the reception time and the prior reception time to the audio duration, and increase or decrease the bandwidth estimate base on such determination.

Specially, the limitation, a comparator to compare the arrival difference of the reception time of the reception time and the prior reception time to the audio duration, and increase or decrease the bandwidth estimate base on such determination which clearly support by the specification page 9, paragraph 49-53. This feature in light of other features of the independent claims 1, 5, 12 enable claims' allowable.

The Dependent claims further limit the independent claims and are considered allowable on the same basis as the independent claims as well as for the further limitations set forth.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 1-3,5-12,17,18,20 are allowed.

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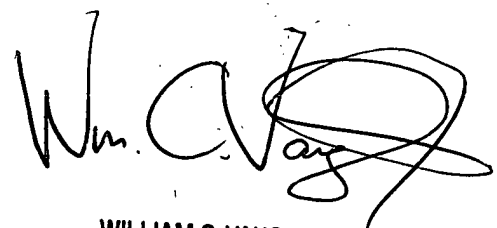
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Duyen Doan
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WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER